IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8051 OF 2005

Gajanan Krishnarao Khanvilkar ..Petitioner.

Vs.

Sindhudurg Zilla Madhyavarti Sahakari Bank Limited, Kudal ..Respondent.

....

Mr. G.H. Keluskar for the Petitioner.

CORAM : DR.D.Y.CHANDRACHUD, J.

13th April, 2006.

P.C.:

The Labour Court dismissed the complaint of unfair labour practices filed by the Petitioner and the order of the Labour Court has been affirmed in revision by the Industrial Court. The Petitioner was a clerk in the First Respondent bank and a disciplinary enquiry was convened on a charge of misappropriation, both against the cashier and the Petitioner. The Petitioner accepted that the enquiry was fair and proper. The Labour Court noted that the Petitioner had himself admitted the charge of having received an amount of Rs.8,500/- and of having utilized the amount. Though the case of the Petitioner was that the statement had been furnished under duress, he did not tender

any evidence in that regard before the Labour Court. In this view of the matter, the Labour Court was justified in holding that the charge had been admitted. That apart, the Labour Court found that the charge had also been proved by the witness who deposed on behalf of the Bank in the course of the disciplinary enquiry. The order of the Labour Court has been affirmed in revision by the Industrial Court. Having regard to the fact that the enquiry was held to be fair and proper and the charge of misconduct was admitted by the Petitioner, no case for interference is made out. The petition is dismissed.